

Exhibit 1

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HARRIS COUNTY DISTRICT ATTORNEY
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April 1, 2024

The Honorable United States District Judge Alfred H. Bennett
Via email to Lisa_Edwards@txs.courts.gov

RE: Case No. 4:21-cv-00270; *Tuttle, et al v. City of Houston, et al*
Discovery Hearing April 5, 2024, request for access to transcripts by the HCDAO

Dear Judge Bennett,

Non-party Harris County District Attorney's Office (HCDAO) is writing to you to request access to completed depositions for use in pending criminal matters including that against Gerald Goines. Alternatively, the HCDAO would ask the Court to consider an amendment to the confidentiality order entered on June 3, 2021, Docket 106. The undersigned counsel communicated this request to the civil parties on March 25, 2024. The City of Houston responded with an objection, the others did not respond.

The reasons for this request are two-fold. One, the definition of confidential information as described in page 2 of your Order does not appear to apply to the District Attorney:

"Confidential Information" means information, documents, or things that the producing party reasonably and in good faith believes to contain or constitute: (a) investigative files in an ongoing criminal investigation; (b) information that would reveal the identity of confidential informants; or (c) sensitive personal information, such as an individual's date of birth, social security number, home address, or medical records.

Per the above definition, there is no specific preclusion to access of material by the HCDAO, and as the HCDAO is the originator or possessor of the above, (investigative files, confidential informants, personal identifiers), access to the depositions by the HCDAO does not appear to violate the Order.

Second, under the Texas Code of Criminal Procedure 39.14, the State of Texas through the HCDAO is required to provide potentially exculpatory material to criminal defendants. As such, the HCDAO has a duty to seek the release of sworn deposition testimony such as in this matter that may be contradictory to prior statements by the witnesses.

The HCDAO is aware of the *Garrity* rights of the deponents and has a screening process in place to prevent the release of protected material to the criminal prosecutors. Additionally, to

the extent that criminal defendants have been deposed, their transcripts can only be used after the individuals have subjected themselves to cross-examination.

Thank you for your consideration of this request.

Sincerely,



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CC to attorneys of record